

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 6/2/2008 Monday Dept: 1A

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. 1:00 PM Case: CF7756 [M] PERSOLVE LLC v MAJDOUB
Type: COLLECTIONS Date Filed: 10/22/07
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
RESET DUE TO COURT CALENDAR CHANGE

PLNTFF: PERSOLVE LLC ATTY: PERSOLVE LLC
DEFNDT: MAJDOUB, FIASILI P

Tentative Ruling: The Plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not at-issue and is set for further case management. By the next Case Management Conference, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. A Further Case Management Conference is set on 9-22-08 at 1:00pm in Dept. 1A.

2. 1:00 PM Case: CF7758 [M] GCFS INC v COLBURN
Type: COLLECTIONS Date Filed: 10/22/07
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
RESET DUE TO COURT CALENDAR CHANGE

PLNTFF: GCFS INC ATTY: PETERSON, BRENT DAVID ESQ
DEFNDT: COLBURN, ADAM G

Tentative Ruling: The Plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not at-issue and is set for further case management. By the next Case Management Conference, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. A Further Case Management Conference is set on 9-22-08 at 1:00pm in Dept. 1A.

3. 1:00 PM Case: CF7862 [M] HERITAGE COMMUNITY v WHITE
Type: BREACH OF CONTRACT Date Filed: 01/11/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: HERITAGE COMMUNITY CREDIT UNION ATTY: BYERS, LAW OFFICES OF DAVID W
DEFNDT: WHITE, NANCY M ATTY: FOLEY, KENNETH M ESQ
Service Date/Type: 04/05/08 PER Answer Date: 05/08/08

Tentative Ruling: The case is at-issue and referred to judicial arbitration on a 60-day delay. Parties may stipulate to mediation in lieu of arbitration. Discovery to remain open until 30 days prior to trial. Trial Setting is set on 10-27-08 at 1:00pm in Dept. 1A.

4. 1:00 PM Case: CF7868 [M] CALAVERAS COUNTY OFFI v WILSON ET AL
Type: PI - MV Date Filed: 01/15/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL

Related cases NOT on this calendar: CV34320 ,
PLNTFF: CALAVERAS COUNTY OFFICE OF EDUCAT ATTY: MULLEN & FILIPPI
DEFNDT: WILSON, STEVEN ARRON ATTY: MAYALL HURLEY KNUTSEN SMITH &
Service Date/Type: 02/25/08 PER Answer Date: 03/10/08
DEFNDT: DONLEN, GREGORY ATTY: MAYALL HURLEY KNUTSEN SMITH &
Service Date/Type: 02/12/08 PER Answer Date: 03/10/08
DEFNDT: DONLEN LANDSCAPING ATTY: MAYALL HURLEY KNUTSEN SMITH &
Service Date/Type: 02/12/08 PER Answer Date: 03/10/08

Tentative Ruling: The case is at-issue and referred to Judicial Arbitration on a 60-day delay. The parties may stipulate to mediation in lieu of arbitration. Discovery to remain open until 30 days prior to trial. Trial Setting is set on 10-27-08 at 1:00pm in Dept. 1A.

5. 1:00 PM Case: CF7869 [M] BANK OF STOCKTON v DARK
Type: BREACH OF CONTRACT Date Filed: 01/15/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL
Event: CONTINUED OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: BANK OF STOCKTON ATTY: ROSS, DAVID K. ESQ
DEFNDT: DARK, JOSHUA G

Tentative Ruling: The Plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not at-issue and is set for further case management. By the next Case Management Conference, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. A Further Case Management Conference is set 9-22-08 at 1:00pm in Dept. 1A.

6. 1:00 PM Case: CF7963 [M] THOMPSON MAHAN v SCHWARTZ
Type: COLLECTIONS Date Filed: 03/18/08
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
08/04/08 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: THOMPSON MAHAN AND ASSOC INC ATTY: GEE, JULIET ESQ
DBA: AMA COLLECTION SERVICES
DEFNDT: SCHWARTZ, CHARLES
Service Date/Type: 04/08/08 SUB 00/00/00
DEFNDT: SCHWARTZ, PAULA
Service Date/Type: 04/07/08 SUB 00/00/00

Tentative Ruling: The Court notes there is not proper Proof of Service as to defendant Paula Schwartz as a Declaration of Due Diligence was not attached to the sub-service.

Default cannot be entered as to this defendant. The OSC is continued over to the previously scheduled Case Management Conference on 8-4-08 at 1:00pm in Dept. 1A.

7. 1:00 PM Case: CF7978 [M] AIS SERVICES v NOWAG
Type: COLLECTIONS Date Filed: 03/27/08
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
08/04/08 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: AIS SERVICES LLC ATTY: ALDRICH ESQ, WILLIAM P
DEFNDT: NOWAG, DANA

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. The Proof of Service indicates sub service but without mailing. The OSC is continued over to the previously scheduled Case Management Conference on 8-4-08 at 1:00pm in Dept. 1A.

8. 1:00 PM Case: CV34043 [S] NORTH AMERICAN v WEST COAST INDUSTRIAL
Type: COMPLEX LITIGATION-RULES OF CT Date Filed: 09/07/07
Event: FURTHER CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: NORTH AMERICAN CAPACITY INSURANCE ATTY: BOORNAZIAN JENSEN et al
DEFNDT: MCANDREWS, GARY W
Service Date/Type: 01/18/08 PER
DBA: DIAMOND LATH & PLASTER
DEF/XC: DAVID DOLIN ROOFING INC ATTY: JAMPOL ZIMET SKANE et al
Service Date/Type: 10/01/07 PER Answer Date: 11-02-07
DEF/XD: B&G MECHANICAL INC
Service Date/Type: 11/16/07 PER
DEF/XD: RON ESQUIVEL CONCRETE ATTY: EMERSON COREY & SORENSEN
Service Date/Type: 09/26/07 PER Answer Date: 11-20-07
DEF/XD: UNLIMITED CONSTRUCTION & BLDG
Service Date/Type: 09/28/07 PER
D/XD/XC: WEST COAST INDUSTRIAL FLOORING ATTY: VITALE & BURNS
Service Date/Type: 09/28/07 PER Answer Date: 12-11-07
XDEF: CAROL CARTER DESIGN & CONST

Tentative Ruling: The Court notes default of McAndrews, B&G and Unlimited have been taken. There is no proper Proof of Service as to Cross-Defendant Carol Carter. The matter is not at-issue and is set for further case management. By the next Case Management Conference, unless all defendants have filed responsive pleadings, Plaintiff/Cross-Complainant is ordered to file defaults or dismissals of all defendants. A Further Case Management Conference is set on 8-18-08 at 1:00pm Dept. 1A.

9. 1:00 PM Case: CV34362 [S] HUDSON v SUBARU OF AMERICA INC
Type: BREACH OF WARRANTY Date Filed: 01/15/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: HUDSON, MATTHEW ATTY: BICKEL LAW FIRM INC
DEFNDT: SUBARU OF AMERICA INC ATTY: BOWMAN & BROOKE LLP
Service Date/Type: 01/17/08 PER Answer Date: 02/20/08

Tentative Ruling: The case is at-issue and referred to judicial arbitration on a 60-day delay. The parties may stipulate to mediation in lieu of arbitration. Discovery to

remain open until 30 days prior to trial. Trial Setting is set on 10-27-08 at 1:00pm in Dept. 1A.

10. 1:00 PM Case: CV34517 [S] WOODS v GRUETTNER ENTERPRISES
Type: MECHANICS LIEN Date Filed: 03/17/08
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
08/04/08 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PETNR: WOODS, DOUGLAS ATTY: REYNOLDS, GUY ESQ
PETNR: WOODS, HELEN ATTY: REYNOLDS, GUY ESQ
RESP: GRUETTNER ENTERPRISES INC
DBA: PETER GRUETTNER MAINTENANCE/RE

Tentative Ruling - The Plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The OSC is continued over to the previously scheduled Case Management Conference on 8-4-08 at 1:00pm in Dept. 1A.

11. 1:00 PM Case: CV34557 [S] ADAMS v MID SIERRA BUILDERS
Type: BREACH OF CONTRACT Date Filed: 04/01/08
Priority Info: TRANSFER IN FROM PLACER COUNTY
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: ADAMS, CLAUDIA ATTY: OCHRACH, LAW OFFICES OF JEFFR
DEFNDT: MID SIERRA BUILDERS INC. ATTY: FOLEY, KENNETH M ESQ
Service Date/Type: 01/23/08 PER Answer Date: 04/29/08
DEFNDT: JOHNSON, DERALD W. ATTY: FOLEY, KENNETH M ESQ
Service Date/Type: 01/23/08 PER Answer Date: 04/29/08

Tentative Ruling: The case is at-issue and mediation is recommended to the parties. Trial Setting Conference is set on 10-27-08 at 1:00pm in Dept. 1A.

12. 2:00 PM Case: CV34373 [S] CHAMBERS v CHAMBERS
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 01/22/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW P= 8

PETNR: CHAMBERS, ELENA ATTY: AIROLA & AIROLA
RESP: CHAMBERS, JIMMIE ATTY: WILSON, KENT L. ESQ

Tentative Ruling: The Court notes there is a temporary spousal support order. Petitioner has filed a Preliminary Declaration of Disclosure. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) forthwith. Thereafter, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure prior to the next Case Management Conference. A Further Case Management Conference is set on 9-15-08 at 2:00pm in Dept. 1A.

13. 2:00 PM Case: CV34360 [S] SMITH v BUCKINGHAM
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 01/14/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: CV30584 , CV30213 ,
PETNR: SMITH, NATALIE ATTY: IN PRO PER
RESP: BUCKINGHAM, JACOB

Tentative Ruling: The Court notes that temporary custody of the five children is with the father. The Petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The Court cannot proceed with any orders until Proof of Service is filed. The Court also notes that no Response has been filed. Prior to the next Case Management Conference, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. A Further Case Management Conference is set on 9-15-08 at 2:00pm in Dept. 1A.

14. 2:00 PM Case: CV34370 [S] SANCHEZ v SANCHEZ
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 01/22/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: CV34425 ,
PETNR: SANCHEZ, GEORGETTE ATTY: IN PRO PER
RESP: SANCHEZ, ZACHARY
Service Date/Type: 01/05/08 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. A Further Case Management Conference is set on 9-15-08 at 2:00pm in Dept. 1A.

15. 2:00 PM Case: CV34389 [S] KRUICHAK v ELLIOTT
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 01/31/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: KRUICHAK, MARGARET ATTY: IN PRO PER
RESP: ELLIOTT, CRAIG D.
Service Date/Type: 02/01/08 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. A Further Case Management Conference is set on 10-27-08 at 2:00pm in Dept. 1A.

16. 3:00 PM Case: CV33033 [S] CROSHAW v CROSHAW
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 09/27/06
Event: SETTLEMENT CONFERENCE/CASE MANAGEMENT

Related cases NOT on this calendar: CV33975 ,
PETNR: CROSHAW, TINA L. ATTY: TRIFILO, JOHN J. ESQ
RESP: CROSHAW, MICHAEL J. ATTY: VALEN, MARK ESQ
Service Date/Type: 10/05/06 NAR Answer Date: 11/07/06

Tentative Ruling: There is no Tentative Ruling on this case. The parties, or their legal counsel if represented, are ordered to appear. The Court notes both Petitioner and Respondent have filed their Preliminary and Final Declarations of Disclosure.

17. 3:00 PM Case: CV30052 [S] COUNTY OF CALAVERAS v STONE
Type: SUM'S & COMPL RE PARENTAL OBL Date Filed: 10/23/03
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

Related cases NOT on this calendar: PR6963 ,
PLTFF: COUNTY OF CALAVERAS ATTY: CENTRAL SIERRA CHILD SPT

DEFT: STONE, JAMES A.
MOTHER: TAPHORN, JENNIFER

ATTY: IN PRO PER

Tentative Ruling: There is no Tentative Ruling on this case. The parties, or their legal counsel if represented, are ordered to appear.
